

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL DOC BALZARINI,

Plaintiff,

v.

STEVE CAMBRIA, et al.,

Defendants.

1:01-CV-5033 AWI WMW PC

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
ON APPEAL

(DOCUMENT #112)

On April 25, 2007, plaintiff filed a motion seeking the appointment of counsel on appeal. Plaintiff's motion is best directed to the United States Court of Appeals for the Ninth Circuit. However, in light of the fact that plaintiff filed his motion in this court, this court will address it.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997). Without a reasonable method of securing and compensating counsel, this court will seek volunteer counsel only in the most serious and exceptional

1 cases.

2 In the present case, the court does not find the required exceptional circumstances. See id.  
3 Therefore, plaintiff's request for the appointment of counsel shall be denied.

4 In accordance with the above, plaintiff's motion for the appointment of counsel on appeal, filed  
5 April 25, 2007, is HEREBY DENIED.

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9 IT IS SO ORDERED.

10 **Dated: June 1, 2007**

**/s/ William M. Wunderlich**  
UNITED STATES MAGISTRATE JUDGE